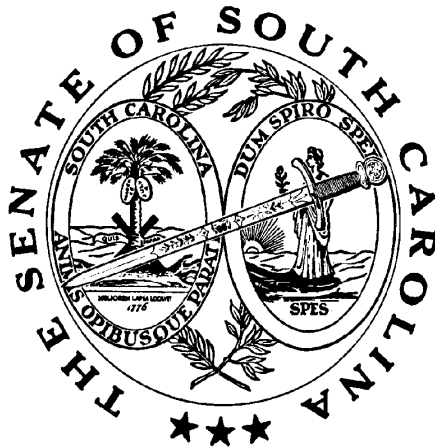


NO. 39

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

THURSDAY, MARCH 26, 2009

Thursday, March 26, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT *Pro Tempore*.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

In Psalm 25 we read:

“Make me to know your ways, O Lord; teach me your paths.”

(Psalm 25:4)

Join me as we bow in prayer:

Gracious and loving God, we seek Your guidance in all that we strive to do. Without Your direction in our lives, we so frequently experience how overwhelming life and all of its problems can be. Therefore, Lord, impart Your richest gifts to each of these Senators, that they might continue to be bold and caring leaders during these stress-filled days. By Your Spirit reveal Your truth to them, to their staff members, indeed, to all of us, that we might follow the paths You set out for us, those directions that will benefit everyone here in South Carolina. In Your wondrous name we pray, dear Lord.

Amen.

The PRESIDENT *Pro Tempore* called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Mark C. Sanford:

Local Appointments

Initial Appointment, Horry County Master-in-Equity, with the term to commence July 31, 2003, and to expire July 31, 2009

Cynthia Graham Howe, 1200 Main St., P. O. Box 530, Conway, SC 29528 *VICE* James Stanton Cross

Reappointment, Horry County Master-in-Equity, with the term to commence July 31, 2009, and to expire July 31, 2015

Cynthia Graham Howe, 1200 Main St., P. O. Box 530, Conway, SC 29528

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Doctor of the Day

Senator SCOTT introduced Dr. Patricia Witherspoon of Columbia, S.C., Doctor of the Day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 520 Sen. Grooms

S. 590 Sen. Hutto

Status Report on H. 3560, the General Appropriations Bill

Senator LEATHERMAN, Chairman of the Committee on Finance, gave a status report on H. 3560, the General Appropriations Bill, to the Senate and H.R. 1, the American Recovery and Reinvestment Act.

Motion Adopted

On motion of Senator L. MARTIN, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

Leave of Absence

On motion of Senator CAMPSSEN, at 11:05 A.M., Senator CAMPBELL was granted a leave of absence for today.

RECALLED

H. 3664 -- Rep. Merrill: A BILL TO AMEND SECTION 59-147-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF REVENUE BONDS UNDER THE PROVISIONS OF THE HIGHER EDUCATION REVENUE BOND ACT, SO AS TO CLARIFY THOSE ELIGIBLE FACILITIES WHICH MAY BE FINANCED UNDER THE ACT; AND TO REPEAL SECTION 59-147-120 RELATING TO LIMITATIONS ON THE ISSUANCE OF CERTAIN REVENUE BONDS.

Senator LEATHERMAN asked unanimous consent to make a motion to recall the Bill from the Committee on Finance.

The Bill was recalled from the Committee on Finance and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

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S. 628 -- Senator McConnell: A BILL TO AMEND CHAPTER 19, TITLE 16 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO GAMBLING AND LOTTERIES, SO AS TO AMEND EXISTING LAWS ON UNLAWFUL LOTTERIES AND GAMBLING BY ORGANIZING EXISTING LAWS INTO ARTICLE 1, AND IN ARTICLE 1 TO ADD DEFINITIONS; TO INCREASE AND MAKE UNIFORM PENALTIES FOR UNLAWFUL LOTTERIES AND GAMBLING; TO ALLOW SOCIAL GAMBLING AS A DEFENSE TO UNLAWFUL GAMBLING, AND TO CLARIFY THAT GAMES OF SKILL OR CHANCE IN WHICH NO BETTING OCCURS ARE NOT UNLAWFUL; BY ADDING ARTICLE 3, AND IN ARTICLE 3 TO ALLOW CHARITABLE AND NONPROFIT ORGANIZATIONS TO CONDUCT RAFFLES AND SPECIAL LIMITED CHARITY FUNDRAISING EVENTS; TO DEFINE THESE EVENTS; TO DEFINE THE TYPE OF ORGANIZATION ALLOWED TO CONDUCT THESE EVENTS; TO PROVIDE STANDARDS FOR THE MANAGEMENT AND CONDUCT OF THESE EVENTS; TO PROVIDE PENALTIES FOR VIOLATIONS; AND TO PROVIDE FOR THE MANNER IN WHICH THESE PROVISIONS SHALL TAKE EFFECT.

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Read the first time and referred to the Committee on Judiciary.

S. 629 -- Senator Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 29, CHAPTER 7, TITLE 44 SO AS TO ENACT THE "PATIENT MRSA INFECTION PROTECTION ACT" BY REQUIRING HOSPITALS TO TEST PATIENTS FOR MRSA (METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS) UPON ADMISSION TO AND IMMEDIATELY PRIOR TO DISCHARGE FROM A HOSPITAL, TO REQUIRE MORE FREQUENT TESTING OF HIGH RISK PATIENTS WHO ARE HOSPITALIZED FOR MORE THAN SEVEN DAYS, TO REQUIRE THE TEST RESULTS TO BE GIVEN TO THE PATIENT AS SOON AS PRACTICALLY POSSIBLE, TO REQUIRE ISOLATION OF A MRSA-INFECTED PATIENT IF POSSIBLE, AND TO REQUIRE THAT INSTRUCTION ON AFTERCARE AND PREVENTION PRECAUTIONS BE PROVIDED TO A MRSA-INFECTED PATIENT PRIOR TO DISCHARGE.

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Read the first time and referred to the Committee on Medical Affairs.

S. 630 -- Senators Land, Setzler, L. Martin, Ford, Nicholson, Lourie, Sheheen, Massey, Reese, Elliott, Peeler, Leatherman, Knotts, Hayes, Verdin, Leventis, Coleman, Matthews, Fair, Scott, Hutto, McGill, Williams, O'Dell, Campbell, Campsen, Thomas and Rankin: A BILL TO AMEND CHAPTER 15, TITLE 56 OF THE 1976 CODE BY ADDING SECTION 56-15-65, RELATING TO MOTOR VEHICLE DEALERS, TO PROHIBIT MOTOR VEHICLE MANUFACTURES OR DISTRIBUTORS FROM REQUIRING DEALERS TO RELOCATE OR MAKE ALTERATIONS TO THEIR DEALERSHIP UNLESS CERTAIN REQUIREMENTS ARE MET; BY ADDING SECTION 56-15-75, RELATING TO MOTOR VEHICLE DEALERS, TO PROHIBIT MOTOR VEHICLE MANUFACTURES OR DISTRIBUTORS FROM PREVENTING DEALERS FROM INVESTING IN, MANAGING, OR ACQUIRING ANY OTHER LINE-MAKE OF NEW MOTOR VEHICLES OR RELATED PRODUCTS IF CERTAIN REQUIREMENTS ARE MET; AND TO AMEND SECTION 56-15-90, RELATING TO MOTOR VEHICLE DEALERS, TO PROVIDE FACTORS TO BE CONSIDERED IN CALCULATING THE FAIR AND REASONABLE COMPENSATION FOR THE VALUE OF A MOTOR VEHICLE DEALERSHIP.

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Read the first time and referred to the Committee on Transportation.

S. 631 -- Senator Fair: A BILL TO AMEND SECTION 40-39-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN DEFINITIONS ASSOCIATED WITH PAWNBROKERS, SO AS TO ADD TO THE DEFINITION OF A "PAWNBROKER", CHANGE THE DEFINITION OF A "MONTH", AND ADD DEFINITIONS FOR "BENEFICIAL OWNER" AND "APPROPRIATE LAW ENFORCEMENT OFFICIAL"; TO AMEND SECTION 40-39-20, RELATING TO THE REGULATION OF PAWNBROKERS, SO AS TO CHANGE THE TERM "LAW ENFORCEMENT AGENCY" TO "APPROPRIATE LAW ENFORCEMENT OFFICIAL"; TO AMEND SECTION 40-39-40, RELATING TO THE PROHIBITION OF UNAUTHORIZED FEES, SO AS TO PROVIDE A CHARGE FOR REDEMPTION OR PICKUP

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MAY BE ASSESSED IN THE ACTUAL AMOUNT OF ACTUAL MAILING COST, AMONG OTHER THINGS; TO AMEND SECTION 40-39-50, RELATING TO THE REQUIREMENT OF A BOND OR OTHER EVIDENCE OF FINANCIAL RESPONSIBILITY FOR A PERSON SEEKING A CERTIFICATE OF AUTHORITY, SO AS TO INCREASE THE AMOUNT OF A REQUIRED BOND FROM FIVE TO TEN THOUSAND DOLLARS; TO AMEND SECTION 40-39-100, RELATING TO CHARGES ON LOANS, SO AS TO ADD CERTAIN LANGUAGE TO A REQUIRED POSTED RATE SCHEDULE; TO AMEND SECTION 40-39-110, RELATING TO VESTING OF TITLE TO PLEDGED PROPERTY, SO AS TO PROVIDE FAILURE OF A PAWNBROKER TO TIMELY SEND PROPER FORFEITURE NOTICE TOLLS THE VESTING PERIOD UNTIL TEN DAYS AFTER PROPER NOTICE IS SENT, THAT INTEREST MAY NOT ACCRUE DURING THE TOLLING PERIOD, THAT THE VALUE OF A PAWNED ITEM IS SUBJECTIVE AND BETWEEN THE PAWNBROKER AND HIS CUSTOMER, AND THAT THE LOAN VALUE AT THE TIME OF THE LOAN CONSTITUTES THE ENTIRE VALUE OF THE ITEM; AND TO AMEND SECTION 40-39-130, RELATING TO CERTAIN ENFORCEMENT POWERS OF THE ADMINISTRATOR OF THE DEPARTMENT OF CONSUMER AFFAIRS, SO AS TO PROVIDE THAT IN ORDER TO SEIZE AN ITEM PROVEN TO BE PROPERTY OF A PERSON OTHER THAN A PLEDGOR, A GOVERNING AUTHORITY OR MUNICIPALITY MUST HAVE IN PLACE A WRITTEN PLAN FOR REIMBURSEMENT OF THE PAWNBROKER.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 632 -- Senator Fair: A BILL TO AMEND SECTION 7-7-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENVILLE COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF GREENVILLE COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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Read the first time and referred to the Committee on Judiciary.

H. 3305 -- Reps. Bedingfield, Merrill, Bingham, Duncan, Loftis, G. R. Smith, Cato, Owens, Crawford, A. D. Young, Nanney, Bannister, Daning, Harrison, Horne, Kirsh, Lowe, Lucas, E. H. Pitts, Stringer, Thompson, Toole, Wylie, T. R. Young, Long, Rice, Parker, Allison, Littlejohn, Cole, Hiott, Edge, Whitmire, Hearn, Hardwick, D. C. Smith, Pinson, J. R. Smith, Simrill, Brantley, Willis, Hamilton, Erickson, Sottile, Scott, Harrell, Delleney, Gullick, Frye, Clemmons, G. M. Smith, Battle, Sandifer, Millwood, Haley, Ballentine, M. A. Pitts, Cooper, White, Gambrell, Bowen, Umphlett, Forrester, Barfield, Chalk, Herbkersman, Viers, Spires, Huggins, Limehouse, Stewart, Kelly, Brady and Moss: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO ELECTIONS BY SECRET BALLOT AND PROTECTION OF THE RIGHT OF SUFFRAGE, SO AS TO PROVIDE THAT THE GUARANTEE OF THE RIGHT TO VOTE BY SECRET BALLOT APPLIES IN REQUIRED DESIGNATIONS OR AUTHORIZATIONS FOR EMPLOYEE REPRESENTATION.

Read the first time and referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Senator KNOTTS from the Committee on Invitations polled out S. 592 favorable:

S. 592 -- Senator Lourie: A SENATE RESOLUTION TO RECOGNIZE THE IMPORTANCE OF WORLD TUBERCULOSIS DAY AS FOCUSING ATTENTION ON ONE OF THE WORLD'S DEADLIEST KILLERS AND TO DECLARE TUESDAY, MARCH 24, 2009, AS "SOUTH CAROLINA TUBERCULOSIS DAY."

Poll of the Invitations Committee

Polled 10; Ayes 10; Nays 0; Not Voting 1

AYES

Alexander	Campsen	Cromer
Elliott	Ford	Knotts
Malloy	O'Dell	Reese
Verdin		

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Total--10

NAYS

Total--0

NOT VOTING

McGill

Total--1

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

S. 445 -- Senators Cleary and McGill: A BILL TO AMEND CHAPTER 13, TITLE 50 OF THE 1976 CODE, RELATING TO THE PROTECTION OF FISH, BY ADDING SECTION 50-13-2017 TO ESTABLISH THE FLOUNDER POPULATION STUDY PROGRAM IN GEORGETOWN COUNTY, IN THE WATERS OF MURRELLS INLET ESTUARY, PAWLEYS ISLAND ESTUARY, AND THE CREEKS OF LITCHFIELD FLOWING INTO PAWLEYS ISLAND ESTUARY, TO SET FLOUNDER CATCH LIMITS AND PROHIBIT THE USE OF ARTIFICIAL ILLUMINATION POWERED BY GENERATORS, TO SET PENALTIES FOR VIOLATIONS OF THIS RESOLUTION, AND TO ESTABLISH THE DURATION OF THE PROGRAM.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 521 -- Senators Grooms, Rankin, Campbell and Rose: A BILL TO ENACT THE "TRANSPORTATION INFRASTRUCTURE FUNDING FLEXIBILITY ACT", BY AMENDING CHAPTER 3, TITLE 57 OF THE 1976 CODE, RELATING TO THE STATE HIGHWAY SYSTEM, BY ADDING ARTICLE 3 TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY SOLICIT PROPOSALS FOR PUBLIC-PRIVATE INITIATIVES FROM PRIVATE ENTITIES, TO PROVIDE FOR THE PROPOSAL REQUEST AND SUBMISSION PROCESS, TO PROVIDE FOR THE PROCESS OF SELECTING A PRIVATE ENTITY TO

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PARTICIPATE IN A PUBLIC-PRIVATE INITIATIVE, TO PROVIDE FOR INTERIM AND COMPREHENSIVE AGREEMENTS TO CARRY OUT THE TERMS OF THE PUBLIC-PRIVATE INITIATIVE, TO PROVIDE REQUIREMENTS FOR INTERIM AND COMPREHENSIVE AGREEMENTS, TO PROVIDE FOR PERMISSIBLE FINANCING OF THE PUBLIC-PRIVATE INITIATIVE, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY EXERCISE THE POWER OF EMINENT DOMAIN IN CONJUNCTION WITH A PUBLIC-PRIVATE INITIATIVE; TO AMEND CHAPTER 3, TITLE 57, BY ADDING ARTICLE 9, TO PROVIDE THAT TOLLS MAY NOT BE IMPOSED ON FEDERAL INTERSTATE HIGHWAYS UNLESS APPROVED BY THE GENERAL ASSEMBLY, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY IMPOSE A TOLL ON INTERSTATE 73, TO PROVIDE THAT TOLLS IMPOSED AND COLLECTED ON A PROJECT MUST BE USED ONLY TO PAY COSTS ASSOCIATED WITH THE TOLL ROAD AND TO DEFINE THE TERM "TOLLS ASSOCIATED WITH THE TOLL ROAD", TO PROVIDE THAT A PERSON WHO FAILS TO PAY A TOLL IS GUILTY OF A MISDEMEANOR AND TO PROVIDE PUNISHMENT FOR VIOLATIONS, TO PROVIDE FOR AN ELECTRONIC TOLLING SYSTEM; TO AMEND SECTION 15-5-1660, TO PROVIDE FOR PERFORMANCE AND PAYMENT BONDS FROM PRIVATE ENTITIES ENGAGED IN A PUBLIC-PRIVATE INITIATIVE; TO AMEND SECTION 57-3-200, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY REFINANCE PUBLIC-PRIVATE INITIATIVES AND SPECIFY WHICH ACTIVITIES MAY BE INCLUDED IN A REFINANCE; TO AMEND SECTION 57-5-1310, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY USE TURNPIKE BONDS TO FINANCE IMPROVEMENTS ON ROADS; TO AMEND SECTION 57-5-1320, TO PROVIDE THAT THE DEFINITION OF "TURNPIKE FACILITY" INCLUDES PORTIONS OF HIGHWAYS IN ADDITION TO ALL OF A HIGHWAY AND TO PROVIDE THAT THE DEFINITION INCLUDES ADDITIONAL LANES OR CAPACITY ADDED TO AN EXISTING TURNPIKE FACILITY; TO AMEND SECTION 57-5-1330, TO PROVIDE THE DEPARTMENT OF TRANSPORTATION WITH MORE FLEXIBILITY IN WHAT MAY BE DESIGNATED, PLANNED, IMPROVED, CONSTRUCTED, MAINTAINED, OPERATED, OR

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REGULATED AS A TURNPIKE FACILITY; AND TO REPEAL SECTIONS 12-28-2920, 57-3-615, 57-3-618, 57-5-1490, AND 57-5-1495.

Ordered for consideration tomorrow.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

THIRD READING BILLS

The following Bills and Joint Resolutions were read the third time and ordered sent to the House of Representatives:

S. 255 -- Senator L. Martin: A BILL TO AMEND SECTION 56-3-3310 OF THE 1976 CODE, AS AMENDED, RELATING TO THE ISSUANCE OF PURPLE HEART SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT THERE IS NO FEE FOR UP TO TWO LICENSE PLATES AND THE BIENNIAL FEE FOR ANY ADDITIONAL PURPLE HEART LICENSE PLATES IS THE SAME AS THE FEE PROVIDED IN ARTICLE 5, CHAPTER 3 OF THIS TITLE.

S. 26 -- Senators Jackson and Rose: A JOINT RESOLUTION TO ESTABLISH THE STROKE SYSTEMS OF CARE STUDY COMMITTEE WITHIN THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP RECOMMENDATIONS FOR A REGIONALLY ORGANIZED AND STATEWIDE COMPREHENSIVE PLAN FOR A STROKE SYSTEMS OF CARE.

By prior motion of Senator JACKSON, with unanimous consent

S. 407 -- Senators Hayes, Cleary and Campsen: A BILL TO AMEND ARTICLE 1, CHAPTER 43, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DONATION OF HUMAN BODIES, PARTS OF THE HUMAN BODY AND HUMAN TISSUE, SO AS TO CONFORM CROSS REFERENCES TO THE REVISED UNIFORM ANATOMICAL GIFT ACT, TO DELETE THE PROVISION STATING THAT A DONOR DESIGNATION ON A DRIVER'S LICENSE DOES NOT CONSTITUTE A GIFT UNDER THE UNIFORM ANATOMICAL GIFT ACT; TO AMEND ARTICLE 5, CHAPTER 43, TITLE 44,

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RELATING TO THE UNIFORM ANATOMICAL GIFT ACT, SO AS TO CHANGE THE ACT NAME TO THE REVISED UNIFORM ANATOMICAL GIFT ACT, AND, AMONG OTHER THINGS, TO REVISE DEFINITIONS, DONOR ELIGIBILITY, DONATION AMENDMENT AND REVOCATION PROCEDURES, THE PRIORITY ORDER TO GIVE CONSENT, SUBSTITUTE DONOR PROCEDURES, DONEE QUALIFICATIONS, AND ALTERNATIVE DONEE PROCEDURES; TO ESTABLISH PROCEDURES FOR REFUSAL TO MAKE AN ANATOMICAL GIFT; TO REQUIRE CERTAIN LAW ENFORCEMENT, HOSPITAL PERSONNEL, AND ORGAN PROCUREMENT ORGANIZATIONS TO MAKE REASONABLE SEARCHES FOR DONOR INFORMATION AND DONOR REFUSAL INFORMATION; TO PROVIDE THAT A PHYSICIAN WHO ATTENDED A PERSON AT DEATH OR WHO DETERMINES THE TIME OF DEATH MAY NOT PARTICIPATE IN REMOVAL OR TRANSPLANTATION PROCEDURES; TO ESTABLISH CRIMINAL PENALTIES FOR SELLING OR PURCHASING ORGANS AND FOR OBTAINING FINANCIAL GAIN BY FALSIFYING OR DEFACING A DONATION DOCUMENT; TO ESTABLISH CRITERIA FOR THE VALIDITY OF AN ORGAN DONATION; TO ESTABLISH PROCEDURES TO RESOLVE ISSUES WHEN CERTAIN CONFLICTS EXIST BETWEEN A DECLARATION OF A ORGAN DONATION AND THE MEDICAL SUITABILITY OF THE ORGAN DONATION; TO REQUIRE CORONERS TO COOPERATE WITH PROCUREMENT ORGANIZATIONS TO MAXIMIZE THE OPPORTUNITY TO RECOVER ANATOMICAL GIFTS; AND TO AMEND ARTICLE 11, CHAPTER 43, TITLE 44, RELATING TO HOSPITAL POLICY AND PROTOCOL FOR ORGAN AND TISSUE DONATION, SO AS TO REVISE DEFINITIONS AND PROCEDURES FOR CONTACTING PERSONS AUTHORIZED TO CONSENT TO ORGAN DONATION.

S. 463 -- Senators Peeler and Rose: A BILL TO AMEND SECTION 44-36-10 OF THE 1976 CODE, RELATING TO THE PURPOSE AND FUNCTIONS OF THE ALZHEIMER'S DISEASE REGISTRY, TO EXPAND THE TYPES OF DATA COLLECTED BY THE ALZHEIMER'S DISEASE REGISTRY, AND TO PROVIDE FOR THE AUTHORIZATION OF STUDIES ABOUT ALZHEIMER'S

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DISEASE AND THE CAREGIVERS OF PERSONS WITH ALZHEIMER'S DISEASE.

S. 486 -- Senators Peeler, Alexander and Rose: A BILL TO AMEND SECTION 44-20-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE COMMISSION ON DISABILITIES AND SPECIAL NEEDS, SO AS TO DELETE OBSOLETE LANGUAGE; TO AMEND SECTION 44-20-220, RELATING TO THE PROMULGATION OF REGULATIONS BY THE COMMISSION ON DISABILITIES AND SPECIAL NEEDS, SO AS TO DELETE THE PROVISION REQUIRING THE COMMISSION TO CONSULT WITH THE ADVISORY COMMITTEE OF THE DIVISION TO WHICH THE REGULATIONS APPLY; TO AMEND SECTION 44-20-230, RELATING TO THE RESPONSIBILITIES OF THE DIRECTOR OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO DELETE THE PROVISION AUTHORIZING THE DIRECTOR TO APPOINT AND REMOVE EMPLOYEES OF THE DEPARTMENT; TO AMEND SECTION 44-20-240, RELATING TO THE CREATION AND RESPONSIBILITIES OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO DELETE THE PROVISION TRANSFERRING THE RESPONSIBILITY FOR AUTISTIC SERVICES FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS; TO AMEND SECTION 44-20-350, RELATING TO AUTHORIZING THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS TO ESTABLISH CHARGES FOR SERVICES IN REGULATION, SO AS TO REQUIRE THESE CHARGES TO BE ESTABLISHED IN REGULATION; TO AMEND SECTION 44-20-430, RELATING TO THE DIRECTOR CARRYING OUT CERTAIN RESPONSIBILITIES SUBJECT TO POLICIES ADOPTED BY THE COMMISSION, SO AS TO PROVIDE THAT CARRYING OUT THESE RESPONSIBILITIES IS SUBJECT TO REGULATIONS PROMULGATED BY THE DEPARTMENT; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO FACILITIES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND FACILITIES THAT ARE EXEMPT FROM SUCH LICENSURE, SO AS TO REQUIRE LICENSURE FOR COMMUNITY-BASED HOUSING AND DAY

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PROGRAMS OPERATED BY THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS AND TO REMOVE COMMUNITY-BASED HOUSING SPONSORED, LICENSED, OR CERTIFIED BY THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS FROM THOSE FACILITIES THAT ARE EXEMPT FROM LICENSURE; TO AMEND ARTICLE 23, CHAPTER 7, TITLE 44, RELATING TO CRIMINAL RECORDS CHECKS OF DIRECT CARE STAFF, SO AS TO FURTHER SPECIFY THE CRIMINAL RECORDS CHECKS THAT MUST BE CONDUCTED ON DIRECT CARE STAFF, TO PROVIDE THAT A DIRECT CARE ENTITY INCLUDES A DAY PROGRAM OPERATED BY THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, TO DELETE PROVISIONS REQUIRING DIRECT CAREGIVERS TO VERIFY RESIDENCY FOR THE TWELVE MONTHS PRECEDING APPLYING FOR EMPLOYMENT, TO DELETE PROVISIONS AUTHORIZING PRIVATE BUSINESSES, ORGANIZATIONS, OR ASSOCIATIONS TO CONDUCT CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED BY THIS ARTICLE, AND TO DELETE PROVISIONS RELATING TO CERTAIN FINGERPRINT FORMS AND PROCEDURES; AND TO REPEAL SECTION 44-20-225 RELATING TO CONSUMER ADVISORY BOARDS FOR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS' MENTAL RETARDATION, AUTISM, AND HEAD AND SPINAL CORD INJURY DIVISIONS AND ARTICLE 5, CHAPTER 20, TITLE 44 RELATING TO THE LICENSURE AND REGULATION OF FACILITIES AND PROGRAMS BY THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS.

S. 120 -- Senators Knotts and Rose: A BILL TO AMEND SECTION 56-3-9910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES' ISSUANCE OF GOLD STAR FAMILY SPECIAL LICENSE PLATES, SO AS TO PROVIDE THAT THE FEE FOR THIS SPECIAL LICENSE PLATE IS THE DEPARTMENT'S COST TO PRODUCE IT AND TO PROVIDE THAT THE PRODUCTION OF THIS LICENSE PLATE IS EXEMPT FROM THE PROVISIONS CONTAINED IN SECTION 56-3-8000(B) AND (C).

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By prior motion of Senator GROOMS, with unanimous consent.

SECOND READING BILLS

The following Bill and Joint Resolution, having been read the second time, were ordered placed on the Third Reading Calendar:

S. 218 -- Senators Fair and Leventis: A BILL TO AMEND SECTIONS 24-13-210 AND 24-13-230, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GOOD BEHAVIOR, WORK, AND ACADEMIC CREDITS, SO AS TO REQUIRE THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS TO ESTABLISH POLICIES AND PROCEDURES TO RESTORE TO AN INMATE GOOD-TIME CREDIT LOST FOR A DISCIPLINARY ACTION IF THE INMATE IS NOT FOUND GUILTY OF A SUBSEQUENT DISCIPLINARY ACTION, TO ALLOW THE DIRECTOR TO AWARD GOOD-TIME CREDIT TO AN INMATE WHO PERFORMS CERTAIN MERITORIOUS ACTS, AND TO PROVIDE THAT THE DIRECTOR MUST ESTABLISH POLICIES AND PROCEDURES TO ALLOW CERTAIN PRISONERS WHO ARE ENROLLED IN CERTAIN PROGRAMS THAT INCLUDE SELF-HELP PROGRAMS TO RECEIVE A REDUCTION IN THEIR SENTENCES; TO AMEND SECTION 24-27-200, RELATING TO THE FORFEITURE OF WORK, EDUCATION, OR GOOD CONDUCT CREDITS, SO AS TO PROVIDE THAT A REDUCTION IN THESE CREDITS MAY BE IMPLEMENTED PURSUANT TO AN ADMINISTRATIVE LAW JUDGE'S RECOMMENDATION; AND TO AMEND SECTION 30-4-40, AS AMENDED, RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE THAT CERTAIN ARCHITECTURAL PLANS, DRAWINGS, OR SCHEMATICS OR LAW ENFORCEMENT POLICIES WHOSE DISCLOSURE WOULD REASONABLY BE USED TO FACILITATE AN ESCAPE FROM LAWFUL CUSTODY MAY BE EXEMPT FROM DISCLOSURE.

S. 602 -- Finance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF REVENUE, RELATING TO FEDERAL GOVERNMENT CONSTRUCTION CONTRACTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4004, PURSUANT TO THE

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PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

AMENDED, READ THE THIRD TIME, SENT TO THE HOUSE

S. 483 -- Senators Rankin, Cleary, McGill and Elliott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 10, TITLE 4 ENACTING THE "LOCAL OPTION TOURISM DEVELOPMENT FEE ACT" SO AS TO ALLOW A COUNTY IN WHICH AT LEAST FOURTEEN MILLION DOLLARS OF STATE ACCOMMODATIONS TAX REVENUES HAVE BEEN COLLECTED IN A FISCAL YEAR AND A MUNICIPALITY LOCATED IN SUCH A COUNTY TO IMPOSE A FEE NOT TO EXCEED ONE PERCENT OF AMOUNTS SUBJECT TO TAX PURSUANT TO CHAPTER 36, TITLE 12, THE SOUTH CAROLINA SALES AND USE TAX ACT, FOR NOT MORE THAN TEN YEARS, TO PROVIDE THAT THE COUNTY MAY IMPOSE THE FEE BY ORDINANCE IN THE UNINCORPORATED AREAS OF THE COUNTY AND A MUNICIPALITY MAY IMPOSE THE FEE BY ORDINANCE IN THE MUNICIPALITY, TO PROVIDE FOR THE ADMINISTRATION OF THE FEE, AND TO PROVIDE USES FOR WHICH THE FEE REVENUE MUST BE APPLIED, INCLUDING TOURISM PROMOTION, PROPERTY TAX ROLLBACK, AND CAPITAL PROJECTS PROMOTING TOURISM CAUSES.

Senator RANKIN asked unanimous consent to take the Bill up for immediate consideration.

There was no objection.

Motion Under Rule 26B

Senator RANKIN asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B

There was no objection.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senators RANKIN, CLEARY and MCGILL proposed the following amendment (483R004.LAR), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

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/ SECTION 1. Chapter 10, Title 4 of the 1976 Code is amended by adding:

“Article 9

Local Option Tourism Development Fee

Section 4-10-910. This article may be cited as the ‘Local Option Tourism Development Fee Act’.

Section 4-10-920. For purposes of this article:

(1) ‘County’ means a county in which revenues of the state accommodations tax imposed pursuant to Section 12-36-920 have aggregated at least fourteen million dollars in a fiscal year.

(2) ‘Fee’ means the local option tourism development fee allowed to be imposed as provided in this article.

(3) ‘Municipality’ means a municipal corporation created pursuant to Chapter 1, Title 5 or a municipal government as the use of the term dictates, located in a county as defined by subsection (1).

Section 4-10-930. (A) Subject to the requirements of this article, a municipality may impose in the municipality a fee not to exceed one percent for not more than ten years for the purposes provided in Section 4-10-970 by:

(1) an ordinance adopted by a supermajority of the municipal council which must be at least two-thirds of the members of a municipal council; or

(2) the approval of a majority of qualified electors voting in a referendum held pursuant to this section called by a majority of the members of the municipal council.

(B)(1) Upon the adoption of a resolution calling for a referendum by the municipal council, the municipal election commission in each municipality shall conduct a referendum on the first Tuesday ninety days after of the adoption of the resolution on the question of implementing the fee within the municipality. The state election laws apply to the referendum mutatis mutandis. The municipal election commission shall publish the results of the referendum and certify them to the municipal council. The fee must not be imposed in the municipality, unless a majority of the qualified electors voting in the referendum approve the question.

(2) The ballot must read substantially as follows:

‘Must a one percent fee on the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12, but not the gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross

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proceeds of sales of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons, be levied in _____ for the purpose of tourism advertisement and promotion directed at non-South Carolina residents?’

Yes ☐

No ☐

(3) If the question is not approved at the initial referendum, the municipal council may call for another referendum on the question. However, following the initial referendum, a referendum for this purpose must not be held more often than once in a twenty-four month period on the Tuesday following the first Monday in November in even numbered years.

(4) Two weeks before the referendum, the municipal council shall publish in a newspaper of general circulation within the jurisdiction a description of and the uses for the fee.

(C)(1) Upon the adoption of a resolution calling for a referendum to rescind the fee by the municipal council, the municipal election commission shall conduct a referendum in the same manner provided in subsection (B) on the question of rescinding the fee imposed by this section. The state election laws apply to the referendum mutatis mutandis. The municipal election commission shall publish the results of the referendum and certify them to the municipal council. The fee must be rescinded in the municipality upon the certification of the results if a majority of the qualified electors voting in the referendum vote in favor of rescinding the fee.

(2) The ballot must read substantially as follows:

‘Must the one percent local fee levied in _____ pursuant to Section 4-10-930 of the 1976 Code be rescinded?’

Yes ☐

No ☐

(3) A referendum for rescission of this fee may not be held earlier than two years after the fee has been levied in the municipality. If a majority of the qualified electors voting in the rescission referendum vote against rescinding the fee, no further rescission referendums may be held for a period of twenty-four months on the first Tuesday following the first Monday in November of even numbered years. If a majority of the qualified electors vote in favor of rescinding the tax, the fee may not be reimposed in the municipality for a period of two years.

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(D) The imposition date of the fee allowed pursuant to this article is the first day of the first month beginning more than sixty days after the municipality files a certified copy of the imposition ordinance or the certification of the results of the referendum with the South Carolina Department of Revenue.

(E) Once a certified copy of the ordinance or referendum results is filed with the Department of Revenue, for the period of imposition provided in that ordinance or referendum, the department may not accept as filed any additional ordinance or referendum results from the municipality that in any way relates to the fee allowed to be imposed pursuant to this chapter except an ordinance or the referendum results reducing or repealing the existing fee. The department shall accept for filing a certified copy of an ordinance or referendum results reducing or repealing the fee and that reduction or repeal applies in the manner provided in Section 4-10-930(D) for imposition.

Section 4-10-940. (A) The fee allowed by this article is an amount not to exceed one percent of the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12.

(B) The fee imposed pursuant to this article must be administered and collected by the Department of Revenue in the same manner that sales and use taxes are collected. The department may prescribe amounts that may be added to the sales price because of the fee.

(C) The fee authorized by this article is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable area that is subject to the tax imposed by Chapter 36, Title 12 and the enforcement provisions of Chapter 54, Title 12. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross proceeds of sales of unprepared food that lawfully may be purchased with United State Department of Agriculture food coupons are exempt from the fee imposed by this article. The fee imposed by this article also applies to tangible personal property subject to the use tax in Article 13, Chapter 36, Title 12.

(D) The provisions of subsections (C), (D), (E), (F), and (G) of Section 4-10-350 apply for fee payors and the fee allowed to be imposed pursuant to this article, including further identification of point of sale jurisdictions, mutatis mutandis.

(E) The revenues of the fee imposed pursuant to this article must be remitted to the Department of Revenue and placed on deposit with the State Treasurer and credited to a fund separate and distinct from the

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general fund of the State. After deducting the amount of any refunds made and costs to the Department of Revenue of administering the tax, not to exceed one percent of the revenues, the State Treasurer shall distribute the revenues and interest quarterly based on point of collection to the treasurer of the municipality in which the fee is imposed and the revenues must be used only for the purposes provided in Section 4-10-970. The State Treasurer may correct misallocations by adjusting subsequent distributions, but these adjustments must be made in the same fiscal year as the misallocations. However, allocations made as a result of municipal code errors must be corrected prospectively.

Section 4-10-960. The Department of Revenue shall furnish data to the State Treasurer and to the municipal treasurers receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to municipalities upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12-54-240. A person violating this section is subject to the penalties provided in Section 12-54-240.

Section 4-10-970. (A)(1) Except as provided in item (2) of this subsection, all revenues and interest of the fee must be used exclusively for tourism advertisement and promotion directed at non-South Carolina residents.

(2) Revenues received in the third and subsequent years of imposition must be used as provided in item (1) except that up to twenty percent may be used for property tax rollbacks on owner-occupied real property or tourism-related capital projects, or a combination of these purposes, but no less than twenty percent of these funds must be used for property tax rollback on owner occupied property. No capital project is eligible to be funded directly or indirectly with fee revenues unless the project consists of construction of new or renovation of existing tourism-related facilities intended to grow or maintain the overnight tourism market in the city.

(B) The municipality shall designate no more than two organizations within the county to receive the revenues and interest and conduct the promotional activities provided pursuant to subsection (A)(1). These organizations must be nonprofit destination marketing organizations representing a broad cross-section of tourism interests

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within the county. In addition, before an organization may be designated, it must certify to the imposing municipality that:

(1) its promotional and advertising programs are based on research based outcomes;

(2) the organization has a proven record of success in creating new and repeat visitation to the county;

(3) it has sufficient resources to create, plan, implement, and measure the marketing program generated by the fee revenues;

(4) it will use the funds only for the purposes provided pursuant to subsection (B)(1) of this section.”

SECTION 2. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

Senator RANKIN proposed the following amendment (483R006.DE), which was adopted:

Amend the bill as and if amended, on Page 5, by adding an appropriately numbered new subsection to Section 4-10-970 to read:

/ () Municipalities located in the same county that are imposing a fee pursuant to this article may jointly designate a regional tourism promoter located in the county to jointly promote tourism in the municipalities imposing the fee. The regional tourism promoter must be designated in the manner provided in subsection (B) and may only promote tourism to non-South Carolina residents. /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

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Recorded Vote

Senators McCONNELL and S. MARTIN desired to be recorded as voting against the third reading of the S. 483.

READ THE SECOND TIME

S. 470 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-560 SO AS TO SPECIFY APPLICABLE FEES FOR RECREATIONAL SALTWATER FISHING LICENSES; BY ADDING SECTION 50-9-715 SO AS TO SPECIFY RECREATIONAL SALTWATER FISHING LICENSE EXEMPTIONS; BY ADDING SECTION 50-9-925 SO AS TO SPECIFY HOW THE REVENUE FROM THE SALE OF STAMPS, LICENSES, PRINTS, AND RELATED ARTICLES MUST BE DISTRIBUTED; TO AMEND SECTION 50-5-15, RELATING TO THE DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA MARINE RESOURCES ACT, SO AS TO DEFINE THE TERMS "DROP NET" AND "FOLD UP TRAP"; TO AMEND SECTION 50-5-955, RELATING TO THE DESIGNATION AND MAINTENANCE OF PUBLIC SHELLFISH GROUNDS, SO AS TO SUBSTITUTE REFERENCE TO THE RECREATIONAL SALTWATER FISHING LICENSE FOR THE MARINE RECREATIONAL FISHING STAMP; TO AMEND SECTION 50-5-1915, RELATING TO CHARTER FISHING VESSEL LOGS, SO AS TO REQUIRE MONTHLY SUBMISSIONS TO THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 50-9-20, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, SO AS TO REMOVE REFERENCES TO RESIDENT AND NONRESIDENT LICENSES; TO AMEND SECTION 50-9-40, RELATING TO LICENSES FOR FRESHWATER FISHING, SO AS TO SPECIFY RECREATIONAL FRESHWATER FISHING; TO AMEND SECTION 50-9-540, AS AMENDED, RELATING TO FRESHWATER AND SALTWATER FISHING LICENSES, SO AS TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 50-5-1905, 50-5-1910 50-5-1920, 50-5-1925, AND 50-5-1945 ALL RELATING TO RECREATIONAL SALTWATER FISHERIES LICENSES AND STAMPS.

Senator CROMER explained the Bill.

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The question then was the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 32; Nays 9

AYES

Alexander	Anderson	Campsen
Cleary	Coleman	Cromer
Davis	Elliott	Fair
Grooms	Hayes	Hutto
Jackson	Knotts	Leatherman
Leventis	Lourie	Malloy
<i>Martin, L.</i>	Massey	McConnell
McGill	Nicholson	O'Dell
Pinckney	Rankin	Reese
Rose	Scott	Setzler
Sheheen	Williams	

Total--32

NAYS

Bright	Bryant	Courson
<i>Martin, S.</i>	Mulvaney	Peeler
Ryberg	Shoopman	Thomas

Total--9

The Bill was read the second time, passed and ordered to a third reading.

S. 594 -- Senator Leatherman: A BILL TO AMEND SECTION 59-147-30 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF REVENUE BONDS UNDER THE PROVISIONS OF THE HIGHER EDUCATION REVENUE BOND ACT, TO CLARIFY THOSE ELIGIBLE FACILITIES WHICH MAY BE FINANCED UNDER THE ACT; AND TO REPEAL SECTION 59-147-120 RELATING TO LIMITATIONS ON THE ISSUANCE OF CERTAIN REVENUE BONDS.

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H. 3463 -- Reps. G.R. Smith, Bannister and Hiott: A BILL TO AMEND SECTION 56-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HANDWRITTEN AND ELECTRONIC TRAFFIC TICKETS, SO AS TO DELETE THE PROVISIONS THAT REQUIRE ELECTRONIC TRAFFIC TICKETS TO BE PRINTED IN SPECIFIC COLORS.

Senator KNOTTS explained the Bill.

S. 620 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSIONERS OF PILOTAGE, RELATING TO ENFORCEMENT OF PILOT STATUES AND MARITIME HOMELAND SECURITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4053, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 623 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE LAW ENFORCEMENT DIVISION, RELATING TO STATEWIDE CRIMINAL GANG DATABASE, DESIGNATED AS REGULATION DOCUMENT NUMBER 3221, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

ADOPTED

S. 610 -- Senators Fair and Anderson: A SENATE RESOLUTION TO DECLARE APRIL 13-17, 2009, THE BRIDGE OF UNITY WEEK AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO BUILD RELATIONSHIPS WITH FELLOW CITIZENS OF DIFFERENT RACIAL AND CULTURAL BACKGROUNDS.

The Senate Resolution was adopted.

AMENDED, AMENDMENT PROPOSED, OBJECTION

S. 23 -- Senator Jackson: A BILL TO AMEND ARTICLE 47, CHAPTER 5, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS, SO AS TO DELETE THE TERM "THIS ARTICLE" AND REPLACE IT WITH "SECTION 56-5-6410", AND TO PROVIDE THAT IT IS UNLAWFUL FOR A DRIVER OR OCCUPANT OF A MOTOR VEHICLE TO SMOKE A TOBACCO PRODUCT WHILE A CHILD WHO IS LESS THAN TEN YEARS

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OLD IS ALSO AN OCCUPANT OF THE MOTOR VEHICLE, AND TO PROVIDE A PENALTY.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senators KNOTTS and JACKSON proposed the following amendment (23R002.JMK), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 27 and 28 and inserting:

/ Section 56-5-6480. (A) It is unlawful for a driver or occupant of a fully enclosed private or public passenger motor vehicle to smoke a tobacco /

Renumber sections to conform.

Amend title to conform.

Senator KNOTTS explained the amendment.

The amendment was adopted.

Senator BRIGHT proposed the following amendment (23R005.LB):

Amend the bill, as and if amended, page 3, by striking lines 29-30 and inserting:

/ product while a child ten years of age or younger, which includes an unborn child that the mother knows or should know that she is carrying, is in the motor vehicle. As used in this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child who is in utero' means a member of the species homo sapiens, at any state of development, who is carried in the womb. /

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

Senator HUTTO objected to further consideration of the Bill.

CARRIED OVER

S. 217 -- Senator Fair: A BILL TO AMEND SECTION 24-3-20, OF THE SOUTH CAROLINA CODE, TO SUBSTITUTE THE TERM "REGIONAL COUNTY OR MUNICIPAL JAIL" FOR THE TERM "COUNTY JAIL", AND TO INCLUDE FACILITY MANAGERS OF

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THE COUNTY, MUNICIPAL ADMINISTRATORS, OR THEIR EQUIVALENT AS PERSONS WHO THE STATE MUST OBTAIN CONSENT FROM TO HOUSE AS AN INMATE IN A LOCAL GOVERNMENTAL FACILITY; TO AMEND SECTION 24-3-27, TO PROVIDE THAT THE DECISION TO ASSIGN WORK OR DISQUALIFY A PERSON FROM WORK IN A FACILITY IS IN THE SOLE DISCRETION OF THE OFFICIAL IN CHARGE OF THE FACILITY AND MAY NOT BE CHALLENGED.

(ABBREVIATED TITLE).

On motion of Senator SETZLER, the Bill was carried over.

S. 456 -- Senators Sheheen, Land, Grooms and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-15-361 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY IMPOSE AND COLLECT AN ADMINISTRATIVE FINE AGAINST LICENSED MOTOR VEHICLE DEALERS WHO VIOLATE CERTAIN PROVISIONS OF LAW, AND PROVIDE THAT THE DEPARTMENT SHALL EMPLOY THE STAFF NECESSARY TO ENFORCE THE PROVISIONS CONTAINED IN THIS SECTION.

On motion of Senator SHEHEEN, the Bill was carried over.

H. 3378 -- Rep. Cooper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-11-192 SO AS TO PROVIDE FOR THE TERMS AND CONDITIONS OF MANDATORY STATE AGENCY FURLOUGH PROGRAMS AND TO DELETE THE PROVISIONS OF PARAGRAPH 89.120, PART IB, OF ACT 310 OF 2008, RELATING TO STATE AGENCY FURLOUGHS.

On motion of Senator LEATHERMAN, the Bill was carried over.

S. 116 -- Senators Knotts and McConnell: A BILL TO AMEND SECTION 11-35-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR "OFFICE"; TO AMEND SECTION 11-35-1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND

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SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11-35-40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11-35-3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11-35-3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

On motion of Senator LEATHERMAN, the Bill was carried over.

Recorded Votes

Senators RYBERG and BRYANT wished to be recorded as voting in favor of third reading of the following Bills and Joint Resolutions:

S. 26
S. 120
S. 255
S. 407
S. 463
S. 483
S. 486

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MADE SPECIAL ORDER

S. 232 -- Senators Ryberg, Hutto and Massey: A BILL TO AMEND SECTION 48-52-210 OF THE 1976 CODE, RELATING TO THE PLAN FOR THE STATE ENERGY POLICY, TO ENCOURAGE THE USE OF CLEAN ENERGY SOURCES; AND TO AMEND ARTICLE 2, CHAPTER 52, TITLE 48 BY ADDING SECTION 48-52-220 TO PROVIDE A DEFINITION FOR "RENEWABLE ENERGY RESOURCES".

Senator L. MARTIN moved that the Bill be made a Special Order.

[SJ]

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The Bill was made a Special Order.

MOTION ADOPTED

On motion of Senator L. MARTIN, the Senate agreed to dispense with the Motion Period.

HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

PLACED ON THE CALENDAR

H. 3583 -- Reps. Funderburk, Lucas and Gunn: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 4, 2009, BY THE STUDENTS OF MIDWAY ELEMENTARY, BETHUNE ELEMENTARY, MOUNT PISGAH ELEMENTARY, BARON DEKALB ELEMENTARY, NORTH CENTRAL MIDDLE, AND NORTH CENTRAL HIGH SCHOOLS WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

The House returned the Bill with amendments.

The question then was concurrence in the House amendments.

Senator COURSON moved that the Senate nonconcur in the House amendments.

Point of Order

Senator CAMPSER raised a Point of Order under the provisions of Rule 32A that consideration of amendments on a Bill returned from the House was out of order inasmuch as the Bill had not been printed on the Calendar.

The President *Pro Tempore* sustained the Point of Order.

Objection

Senator L. MARTIN asked unanimous consent to make a motion to take up the Bill for immediate consideration.

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Senator RYBERG objected.

Notice of Motion

Senator KNOTTS noted a motion to suspend the provisions of Rules 37 and 39.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

READ THE THIRD TIME, SENT TO THE HOUSE

S. 337 -- Senators Cleary and Peeler: A BILL TO AMEND SECTION 44-1-60 OF THE SOUTH CAROLINA CODE, TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS.

(ABBREVIATED TITLE)

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

READ THE THIRD TIME, SENT TO THE HOUSE

S. 107 -- Senators Ryberg, Bryant, Massey, Peeler and L. Martin: A BILL TO AMEND SECTION 16-3-654 OF THE 1976 CODE, RELATING TO CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE, TO INCLUDE SEXUAL BATTERY WHEN THE VICTIM IS A STUDENT SIXTEEN YEARS OF AGE OR OLDER AND THE ACTOR IS A PERSON EMPLOYED AT A PUBLIC OR PRIVATE SECONDARY SCHOOL, UNDER CERTAIN CIRCUMSTANCES.

By prior motion of Senator RYBERG, with unanimous consent

AMENDED, READ THE SECOND TIME

H. 3352 -- Reps. Cooper, Owens, Stewart, Whitmire, Funderburk, Rice, Wylie, Allison, E.H. Pitts, R.L. Brown, White, Stavrinakis, Miller, Anderson, Battle, Hayes, Gilliard, Sottile, Mack, Harvin, Whipper, Hutto, G.R. Smith, Knight, Willis, Neilson, T.R. Young, Cobb-Hunter, J.H. Neal, Clyburn, G.M. Smith, Kennedy, Herbkersman, Merrill, Bingham, Ott, J.R. Smith, A.D. Young, Kirsh, Lucas, Littlejohn, Edge, Limehouse, M.A. Pitts, Loftis, D.C. Smith,

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Pinson, Barfield, Bannister, Dillard, Stringer, Allen, Nanney, Govan, Parker, Frye, Hardwick, Hearn, J.E. Smith, Clemmons, Agnew, Bedingfield, Williams, Vick, Horne, Bales and Umphlett: A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER FUNDS AMONG APPROPRIATED REVENUES IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING THE 2008-2009 AND 2009-2010 FISCAL YEARS; TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEARS 2008-2009 AND 2009-2010 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS, TO TRANSFER FUNDS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, AND TO NEGOTIATE SALARIES FOR RETIRED AND TETC TEACHERS BELOW MINIMUM SALARY REQUIREMENTS; TO ALLOW SCHOOL DISTRICTS FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS TO FURLOUGH TEACHERS AND SCHOOL AND DISTRICT ADMINISTRATORS UPON CERTAIN CONDITIONS; TO PROVIDE CERTIFICATION AND REPORTING REQUIREMENTS; TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS.

The Senate proceeded to a consideration of the Joint Resolution, the question being the adoption of Amendment No. 1A (3352R005.KLB) proposed by Senators BRYANT and ROSE and previously printed in the Journal of Wednesday, March 25, 2009.

On motion of Senator BRYANT, with unanimous consent, Amendment No. 1A was carried over.

Amendment No. 2A

Senators BRYANT, SHEHEEN and ROSE proposed the following Amendment No. 2A (3352R006.VAS), which was adopted:

Amend the resolution, as and if amended, page 3, by adding an appropriately numbered new SECTION to read:

/ SECTION ____ (A)(1) For the 2009-2010 fiscal year, school districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source for whatever purpose. The register must be prominently posted

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on the district's internet website and made available for public viewing and downloading.

(2)(a) The register must include for each expenditure:

- (i) the transaction amount;
- (ii) the name of the payee; and
- (iii) a statement providing a detailed description of the expenditure.

(b) The register must not include an entry for salary, wages, or other compensation paid to individual employees.

(c) The register must not include any information that can be used to identify an individual employee.

(d) The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure.

(3) The register must be searchable and updated at least once a month. Each monthly register must be maintained on the internet website for at least five years.

(B)(1) For the 2009-2010 fiscal year, each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use.

(2) The credit card number on each statement must be redacted prior to posting on the internet website.

(3) Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid. Each statement must be maintained on the website for at least five years.

(C)(1) The comptroller general must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

(2) School districts that do not maintain an internet website must transmit all information required by this section to the comptroller general in a manner and at a time determined by the comptroller general to be included on the internet website required by this section.

(D) The provisions contained in this section do not amend, suspend, supercede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

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(E) The provisions contained in this section must be implemented within one hundred eighty days of the effective date of this joint resolution.

(F) The Comptroller General shall distribute to the districts a methodology and resources for compliance with the provisions of this section. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General. /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

The amendment was adopted.

Recorded Vote

Senators BRYANT, BRIGHT, GROOMS, DAVIS and VERDIN desired to be recorded as voting in favor of the adoption of the amendment.

On motion of Senator BRYANT, with unanimous consent, Amendment No. 1A was withdrawn from consideration.

There being no further amendments, the question then was the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Alexander	Anderson	Bright
Bryant	Campsen	Cleary
Coleman	Courson	Cromer
Davis	Elliott	Fair
Ford	Grooms	Hayes
Hutto	Jackson	Knotts
Leventis	Lourie	Malloy
<i>Martin, L.</i>	<i>Martin, S.</i>	Massey

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McConnell	McGill	Mulvaney
O'Dell	Peeler	Rankin
Reese	Rose	Ryberg
Scott	Setzler	Shoopman
Thomas	Verdin	Williams

Total--39

NAYS

Total--0

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

Senator SETZLER spoke on the Bill.

Objection

Senator COURSON asked unanimous consent to make a motion that H. 3352 receive a third reading on Friday, March 27, 2009.

Senator HUTTO objected.

OBJECTION

H. 3583 -- Reps. Funderburk, Lucas and Gunn: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 4, 2009, BY THE STUDENTS OF MIDWAY ELEMENTARY, BETHUNE ELEMENTARY, MOUNT PISGAH ELEMENTARY, BARON DEKALB ELEMENTARY, NORTH CENTRAL MIDDLE, AND NORTH CENTRAL HIGH SCHOOLS WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Senator SETZLER asked unanimous consent to make a motion to take up the Resolution for immediate consideration.

Senator RYBERG objected.

EXECUTIVE SESSION

THURSDAY, MARCH 26, 2009

On motion of Senator L. MARTIN, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Local Appointments

Initial Appointment, Horry County Master-in-Equity, with the term to commence July 31, 2003, and to expire July 31, 2009

Cynthia Graham Howe, 1200 Main St., P. O. Box 530, Conway, SC 29528 *VICE* James Stanton Cross

Reappointment, Horry County Master-in-Equity, with the term to commence July 31, 2009, and to expire July 31, 2015

Cynthia Graham Howe, 1200 Main St., P. O. Box 530, Conway, SC 29528

Message from the House

Columbia, S.C., March 25, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

LOCAL APPOINTMENT

Initial Appointment, Horry County Master-in-Equity, with term to commence July 31, 2003 and to expire July 31, 2009:

Cynthia Graham Howe, 1200 Main Street, P. O. Box 530, Conway, SC 29528

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., March 25, 2009

Mr. President and Senators:

[SJ]

THURSDAY, MARCH 26, 2009

The House respectfully informs your Honorable Body that it has confirmed the appointment:

LOCAL APPOINTMENT

Reappointment, Horry County Master-in-Equity, with term to commence July 31, 2009 and to expire July 31, 2015:

Cynthia Graham Howe, 1200 Main Street, P. O. Box 530, Conway, SC 29528

Very respectfully,

Speaker of the House

Received as information.

MOTION ADOPTED

On motion of Senator BRIGHT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Brandon Scott McDaniel of Moore, S.C. Mr. McDaniel was a 2006 graduate of Dorman High School where he was a member of the Drum Line from 2002-06 and he was currently a student at North Greenville University.

and

MOTION ADOPTED

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Walter Scott of Lake City, S.C.

ADJOURNMENT

At 2:03 P.M., on motion of Senator L. MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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THURSDAY, MARCH 26, 2009

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